

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Gilbertson *et al.*

Serial No.: 10/821,711

Filed: April 8, 2004

For: DNA CONSTRUCTS AND METHODS  
TO ENHANCE THE PRODUCTION OF  
COMMERCIALY VIABLE  
TRANSGENIC PLANTS

Group Art Unit: 1638

Examiner: David H. Kruse

Atty. Dkt. No.: MONS:140US

**CERTIFICATE OF ELECTRONIC TRANSMISSION**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

July 9, 2009

Date

Ron J. Laby

**TELEPHONIC INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

On February 18, 2009 and March 3, 2009, Applicants' undersigned representative spoke telephonically with Examiner Kruse regarding rejections of claims 1-4, 10, 11, 15, 25, and 26 in view of 35 U.S.C. §103, and rejoinder of claims 20 and 22, in view of Ye *et al.* (*Transgenic Res.* 17:827-838, 2008).

Agreement was reached regarding allowability of the claims. Applicants would like to thank the Examiner for the time taken for the call.

Respectfully submitted,

/Ron J. Laby/

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Date: July 9, 2009